

1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

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4 UNITED STATES OF AMERICA,
5 Plaintiff,
6 v.
7 ROOSEVELT JONES,
8 Defendant.

Case No. 2:18-cr-00008-APG-NJK

ORDER DENYING MOTIONS

[ECF Nos. 148, 149, 156]

9 Roosevelt Jones filed motions seeking relief from, or dismissal of, his original judgment
10 and sentence (ECF No. 85) and his subsequent judgment and sentence for violating conditions of
11 supervision (ECF No. 127). ECF Nos. 148, 149. He bases his motions on Federal Rule of Civil
12 Procedure 60(b), which does not apply in criminal cases. I notified Jones that he could either
13 withdraw his motions or consent to me treating them as a motion under 28 U.S.C. § 2255. ECF
14 No. 155. Jones responded by filing another motion objecting my recharacterizing his filings as a
15 § 2255 motion and reiterating that this court lacks jurisdiction over his criminal case and his
16 supervised release proceeding. ECF No. 156.

17 Jones's motions seek relief under Federal Rules of Civil Procedure 59 and 60. Those
18 rules do not apply to this criminal case. Thus, the motions fail on their merits.

19 If I recharacterize his filings as a motion to vacate his sentence under 28 U.S.C. § 2255,
20 Jones still fails. The motions are untimely and lack merit. This court had jurisdiction over
21 Jones's criminal prosecution under 18 U.S.C. § 3231 and over his supervised release revocation
22 proceedings under 18 U.S.C. § 3565. Thus, I deny his motions.

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1 I THEREFORE ORDER that defendant Roosevelt Jones's motions for relief (ECF Nos.
2 148, 149, 156) are DENIED.

3 I FURTHER ORDER that I deny a certificate of appealability because Jones has not
4 made a substantial showing of the denial of a constitutional right, and reasonable jurists would
5 not debate my decision. 28 U.S.C. § 2253(c)(2); *Allen v. Ornoski*, 435 F.3d 946, 951 (9th Cir.
6 2006).

7 DATED May 16, 2022



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9 ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE